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21

ORIGIN SNM-02

INFO OCT-01 AF-10 ARA-16 EA-11 EUR-25 NEA-14 RSC-01 IO-14

ISO-00 L-03 DEAE-00 CIAE-00 INR-11 JUSE-00 NSAE-00

SY-04 TRSE-00 USIA-15 NSC-07 SCI-06 OMB-01 AGR-20

HEW-08 DODE-00 PM-07 AID-20 IGA-02 /198 R

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S/NM - MLAWRENCE

L - LGFIELDS

EUR - JROUSE

AF/RA - RROTH

ARA/CEN - MWCOTTER

EA/RA - JHENDERSON

NEA/RA - TGRANT

DRUG ENFORCE. ADMIN. - DMILLER

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R 301939Z SEP 74

FM SECSTATE WASHDC

TO AMEMBASSY BANGUI

AMEMBASSY JAKARTA

AMEMBASSY KIGALI

AMEMBASSY PHNOM PENH

AMEMBASSY ROME

AMEMBASSY SAN SALVADOR

AMEMBASSY WELLINGTON

AMCONSUL ZURICH

INFO AMEMBASSY BANGKOK

USMISSION GENEVA

AMCONSUL HONG KONG

AMEMBASSY ISLAMABAD

AMEMBASSY KABUL

AMEMBASSY LONDON

AMEMBASSY SAIGON

AMEMBASSY TEHRAN

USMISSION USUN NEW YORK

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E.O. 11652: N/A

TAGS: SNAR

SUBJECT: ACQUISITION OF OPIUM FOR MEDICINAL PURPOSES:

NECESSITY FOR WAIVER UNDER 1953 PROTOCOL

REF: STATE 91823, 5-14-73 (NOTAL)

1. IN VIEW OF TEMPORARY WORLD SHORTAGE OF OPIUM FOR MEDICINAL REQUIREMENTS, IT IS DESIRED THAT US AUTHORIZED PHARMACEUTICAL FIRMS BE PERMITTED TO PURCHASE AND IMPORT OPIUM SEIZED IN ILLICIT TRAFFIC. HOWEVER, US HAS TREATY OBLIGATIONS TO REFRAIN FROM IMPORTING OPIUM FROM ANY COUNTRY OTHER THAN A COUNTRY AUTHORIZED UNDER THE 1953 PROTOCOL TO EXPORT OPIUM.

2. THE GOVERNMENTS OF CENTRAL AFRICAN REPUBLIC, CONGO (BRAZZAVILLE), EL SALVADOR, INDONESIA, ITALY, KHMER REPUBLIC, LIECHTENSTEIN, RWANDA, AND WESTERN SAMOA ARE, ALONG WITH THE UNITED STATES, PARTY TO THE 1953 PROTOCOL ON OPIUM BUT, UNLIKE THE UNITED STATES, HAVE NOT YET BECOME PARTY TO THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961. ACCORDINGLY, THE 1953 PROTOCOL REMAINS IN FORCE BETWEEN THE UNITED STATES AND EACH OF THOSE GOVERNMENTS.

3. EMBASSY IS REQUESTED TO OBTAIN AGREEMENT BY THE GOVERNMENT TO WHICH IT IS ACCREDITED TO IMPORT BY THE US

OF OPIUM SEIZED IN ILLICIT TRAFFIC. DRAFT OF SUBSTANCE OF NOTE FOR THIS PURPOSE FOLLOWS:

"THE GOVERNMENT OF THE UNITED STATES OF AMERICA DESIRES, IN VIEW OF THE TEMPORARY SHORTAGE OF OPIUM FOR MEDICINAL PURPOSES, TO AUTHORIZE PHARMACEUTICAL FIRMS IN THE UNITED STATES TO PURCHASE AND IMPORT OPIUM SEIZED IN THE ILLICIT TRAFFIC. HOWEVER, THE UNITED STATES HAS A TREATY OBLIGATION TO (GOVERNMENT TO WHICH EMBASSY ACCREDITED) UNDER THE PROTOCOL FOR LIMITING THE CULTIVATION OF THE POPPY PLANT, THE PRODUCTION OF, INTERNATIONAL AND WHOLESALE

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TRADE IN, AND USE OF OPIUM, DONE AT NEW YORK JUNE 23, 1953, TO REFRAIN FROM IMPORTING OPIUM OTHER THAN IN ACCORDANCE WITH THE PROVISIONS OF THAT PROTOCOL.

"THE PROTOCOL PROHIBITS IMPORT OR EXPORT OF OPIUM OTHER THAN (1) OPIUM PRODUCED IN ANY ONE OF SEVEN NAMED STATES, WHICH AT THE TIME OF IMPORT OR EXPORT IS PARTY TO THE PROTOCOL; (2) OPIUM SEIZED IN ILLICIT TRAFFIC BY ONE OF

THE SEVEN STATES PARTY TO THE PROTOCOL, OR (3) OPIUM
SEIZED BY ANY PARTY WHICH PERMITS NEITHER PRODUCTION OF
OPIUM NOR MANUFACTURE OF OPIUM ALKALOIDS AND EXPORTED,
AFTER PERMISSION THEREFOR IS GIVEN BY THE INTERNATIONAL
NARCOTICS CONTROL BOARD, IN EXCHANGE FOR OPIUM ALKALOIDS
OR DRUGS CONTAINING SUCH ALKALOIDS. ONLY FOUR OF THE
SEVEN NAMED STATES ARE PARTY TO THE PROTOCOL - GREECE,
INDIA, IRAN, AND TURKEY - AND THE OPIUM PRODUCED OR
SEIZED BY THOSE FOUR STATES IS NOT CONSIDERED TO BE
SUFFICIENT TO MEET ANTICIPATED MEDICINAL REQUIREMENTS.

"WHEN THE PROTOCOL WAS FORMULATED THE WORLD'S MEDICAL AND
SCIENTIFIC NEEDS FOR OPIUM COULD BE SUPPLIED BY ABOUT 500
TONS A YEAR, WHILE WORLD PRODUCTION OF OPIUM AT THAT TIME
WAS APPROXIMATELY 2,000 TONS A YEAR.

"THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961, WHICH
PERMITS THE IMPORTATION OF OPIUM BY A PARTY THERETO FROM
ANOTHER PARTY, PROVIDES THAT THE PROVISIONS OF THE CON-
VENTION SHALL, UPON ITS COMING INTO FORCE, REPLACE AS
BETWEEN PARTIES TO THE CONVENTION, THE PROVISIONS OF
EXISTING TREATIES ON NARCOTIC DRUGS, INCLUDING THE ABOVE-
MENTIONED PROTOCOL. THE UNITED STATES IS A PARTY TO THE
SINGLE CONVENTION BUT IT DOES NOT APPEAR THAT (GOVERNMENT
TO WHICH EMBASSY ACCREDITED) HAS BECOME A PARTY TO THAT
CONVENTION AND, ACCORDINGLY, THE PROTOCOL REMAINS IN FORCE
BETWEEN (NAME OF GOVERNMENT TO WHICH ACCREDITED) AND THE
UNITED STATES.

"IN VIEW OF THESE CONSIDERATIONS, THE GOVERNMENT OF THE
UNITED STATES OF AMERICA WOULD DEEPLY APPRECIATE IT IF
(GOVERNMENT TO WHICH EMBASSY ACCREDITED) WOULD AGREE TO
THE IMPORTATION BY THE UNITED STATES FOR MEDICINAL
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PURPOSES OF OPIUM SEIZED IN THE ILLICIT TRAFFIC, SUCH
IMPORTATION TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF
THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961."

4. IN EVENT GOVERNMENT TO WHICH EMBASSY ACCREDITED
INQUIRIES AS TO SUBSTANCE OF REPLY DESIRED, FOLLOWING
MAY BE SUGGESTED:

"IN VIEW OF THE TEMPORARY WORLD SHORTAGE OF OPIUM FOR
MEDICINAL REQUIREMENTS AND THE LIMITATION UNDER THE 1953
PROTOCOL ON OPIUM REGARDING THE IMPORTATION OF OPIUM, THE
GOVERNMENT (TO WHICH EMBASSY ACCREDITED) AGREES TO THE
IMPORTATION BY THE UNITED STATES FOR MEDICINAL PURPOSES
OF OPIUM SEIZED IN THE ILLICIT TRAFFIC, SUCH IMPORTATION
TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE SINGLE

CONVENTION ON NARCOTIC DRUGS, 1961."

5. FOR WELLINGTON: PLEASE TRANSMIT REQUEST TO WESTERN
SAMOA GOVERNMENT.

6. FOR ZURICH: PLEASE TRANSMIT REQUEST TO LIECHENSTEIN
GOVERNMENT. INGERSOLL

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